

SERVED: October 1, 1993

NTSB Order No. EA-3995

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, D.C.

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD
at its office in Washington, D.C.
on the 1st day of October, 1993

_____)	
DAVID R. HINSON,)	
Administrator,)	
Federal Aviation Administration,)	
)	
Complainant,)	
)	Dockets SE-13237 and
)	13238
v.)	
)	
ARMANDO RIOS,)	
)	
Respondent.)	
_____)	

ORDER DISMISSING APPEALS

The Administrator has moved to dismiss the respondent's appeals in this proceeding for his failure to perfect them by the timely filing of an appeal brief, as required by Section 821.57(b) of the Board's rules of practice, 49 CFR Part 821.¹ No

¹Section 821.57(b) provides, in relevant part, as follows:

"§821.57 **Procedure on appeal.**

*

*

*

(b) *Briefs and oral argument.* Within 5 days after the filing of the notice of appeal, the appellant shall file a brief with the Board and serve a copy upon the other parties. Within 10 days after service of the appeal brief, a reply brief may be filed with the Board in which case a copy shall be served upon the other parties....Appeals may be dismissed by the Board on its

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answer to the motion has been received.²

The record discloses that the law judge rendered oral initial decisions on the consolidated dockets in this proceeding on September 2, 1993, and that respondent filed timely notices of appeal on September 4.³ However, he did not file an appeal brief in support of those appeals by September 9, and his appeals are therefore subject to dismissal on the Administrator's motion.

ACCORDINGLY, IT IS ORDERED THAT:

1. The Administrator's motion to dismiss is granted, and
2. The respondent's appeals are dismissed.

VOGT, Chairman, COUGHLIN, Vice Chairman, LAUBER, HART and HAMMERSCHMIDT, Members of the Board, concurred in the above order.

(..continued)

own initiative or on motion of the other party, in cases where a party who has filed a notice of appeal fails to perfect his appeal by filing a timely brief...."

²Counsel for respondent advised, by telephone on September 22, 1993, that respondent would not be pursuing the appeals and would not be responding to the Administrator's motion to dismiss. No written confirmation of that advice has been received.

³The law judge affirmed two emergency orders of the Administrator revoking the respondent's commercial pilot, flight instructor, ground instructor, and first class medical certificates for his alleged violations of sections 67.20(a)(1), 61.3(c), (d)(1), (d)(2), (d)(3), and (h), 61.19(a), and 61.59(a)(1) and (2) of the Federal Aviation Regulations, 14 CFR Parts 67 and 61.